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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 GOOGLE LLC,

15 Plaintiff,

16 vs.

17 SONOS, INC.,

18 Defendants.

CASE NO. 3:20-cv-06754-WHA

**JOINT CASE MANAGEMENT
STATEMENT**

Date: November 19, 2020

Time: 8:00 a.m.

Ctrm: Courtroom 12, 19th Floor
450 Golden Gate Avenue,
San Francisco, CA 94102

Judge: William H. Alsup

JURY TRIAL DEMANDED

INTRODUCTION

Pursuant to this Court’s October 26, 2020 Notice (Dkt. 26), the Standing Order for All Judges of the Northern District of California, and Civil Local Rule 16-9, Plaintiff Google LLC (“Google”) and Defendant Sonos, Inc. (“Sonos”) submit this Joint Case Management Statement.

I. JURISDICTION AND SERVICE

Google filed this action on September 28, 2020. Dkt. 1. This is a declaratory judgment action for non-infringement under the Declaratory Judgment Act, 8 U.S.C. § 2201, and under the patent laws of the United States, 35 U.S.C. §§ 1-390. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201(a). Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Sonos has been served.

II. FACTS

Google seeks a finding that its Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app, Google Home app, and “Pixel” phones, tablets, and laptops (collectively, “Google Accused Products”) do not infringe United States Patent Nos. 9,967,615 (“the ’615 patent”); 10,779,033 (“the ’033 patent”); 9,344,206 (“the ’206 patent”); 10,469,966 (“the ’966 patent”); and 9,219,460 (“the ’460 patent”) (collectively, the “Patents-in- Suit”).

The day after Google filed the instant case, Sonos filed a mirror-image patent infringement case in the Western District of Texas seeking a finding that the Google Accused Products infringe the Patents-in-Suit. *Sonos, Inc. v. Google LLC*, No. 6:20-cv-00881-ADA.

III. DISPUTED LEGAL ISSUES

The Parties have identified the following principal issues currently in dispute:

1. Whether the Google Accused Products directly infringe one or more claims of each Patent-in-Suit under 35 U.S.C. § 271(a), and/or indirectly infringe one or more claims of each Patent-in-Suit under 35 U.S.C. §§ 271(b) or (c);
2. Whether this case is exceptional under 35 U.S.C. § 285, entitling the prevailing party to attorneys’ fees.

IV. MOTIONS

1 **(a) Pending Motions**

2 On October 12, 2020, Sonos moved to dismiss or transfer the instant case based on the
3 anticipatory suit and bad faith exceptions to the first-to-file rule. Dkt. 11. Sonos also moved to
4 dismiss Google's complaint under Rule 12(b)(6). *Id.* Google opposed Sonos's motion to dismiss
5 or transfer on October 26, 2020. Dkt. 27-4. Sonos filed a reply in support of its motion on
6 November 2, 2020. Dkt. 32. The hearing on this motion is noticed for November 19, 2020, at
7 8:00 a.m. Dkt. 26.

8 **(b) Anticipated Motions**

9 Google and Sonos anticipate moving for summary judgment and may file other dispositive
10 and non-dispositive motions as the case progresses. The parties anticipate filing a joint motion for
11 a protective order governing the confidentiality of information and the review of source code in
12 this matter, as well as a joint motion for an order governing the treatment of electronically stored
13 information (ESI) in discovery.

14 **V. AMENDMENT OF PLEADINGS**

15 The Parties agree that the Parties may amend their pleadings, including the parties, claims
16 or defenses, consistent with the Federal Rules of Civil Procedure or with leave of the Court upon a
17 showing of good cause.

18 Google does not currently intend to amend the operative Complaint but reserves the right
19 to request leave of the Court to do so should the Court determine that it needs to provide
20 additional information.

21 Sonos intends to serve a responsive pleading upon resolution of its pending motion to
22 dismiss.

23 **VI. EVIDENCE PRESERVATION**

24 Each party has reviewed the ESI Guidelines and each party believes that it has taken
25 appropriate and reasonable measures to preserve evidence relevant to each party's claims and
26 defenses in this matter.

27 **VII. DISCLOSURES**

1 The Parties are serving initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A) on
 2 November 12, 2020.

3 **VIII. DISCOVERY**

4 The parties have not served any discovery yet.

5 **A. Changes to the timing, form, or requirement for disclosures (Fed. R. Civ. P. 26(f)(3)(A))**

6 The Parties are serving initial disclosures on November 12, 2020. The Parties do not
 7 propose any change to the form or requirement for such disclosures.

8 **B. The subjects on which discovery may be needed (Fed. R. Civ. P. 26(f)(3)(B))**

9 The parties anticipate that the scope of discovery will encompass the factual and legal
 10 issues identified in Sections II and III above, and the requested relief discussed in Section XI
 11 below, including related and subsidiary factual and legal issues and matters.

12 The Parties reserve the right to amend the subjects for discovery that may be sought
 13 pending further discovery in this matter.

14 **C. Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced (Fed. R. Civ. P. 26(f)(3)(C))**

15 The Parties anticipate presenting an ESI order to the Court to govern the discovery of
 16 electronically stored information. The parties will exchange draft proposed ESI orders and will
 17 present agreed-on terms to the Court, along with any points of disagreement requiring the Court's
 18 guidance.

19 **D. Any issues about claims of privilege or of protection as trial-preparation materials (Fed. R. Civ. P. 26(f)(3)(D))**

20 The Parties agree that absent a specific showing of need, documents created on or after
 21 Jan. 7, 2020 that are subject to a claim of attorney-client privilege, work product immunity, or any
 22 other privilege or immunity do not need to be included in the Parties' privilege logs. Subject to
 23 the foregoing, the parties agree that issues of privilege or work product shall be addressed as
 24 provided in the Federal Rules of Civil Procedure, Federal Rule of Evidence 502 and the Protective
 25 Order and/or ESI Order to be entered in this action
 26
 27
 28

1 **E. Changes that should be made to the limitations on discovery (Fed. R. Civ. P.**
 2 **26(f)(3)(E))**

3 To the extent not limited below, and unless otherwise agreed to by the parties, the parties
 4 agree that discovery is subject to the limitations set forth in the Federal Rules of Civil Procedure,
 5 Local Rules of this Court and the ESI Order and Protective Order to be entered in this action. If a
 6 party requests discovery that exceeds any of the limitations set forth below, the parties agree to
 7 meet and confer in good faith to attempt to resolve the issue without intervention of the Court. If
 8 the parties are unable to reach agreement, a party may seek leave from the Court for the additional
 9 discovery.

10 The Parties agree to serve interrogatories, document requests, deposition notices, requests
 11 for admission, and responses thereto, on each other via email. The Parties further agree that
 12 service of a complete copy of these documents via email on or before midnight Pacific time shall
 13 count as same-day service.

14 • **Interrogatories to Parties.**

- 15 ○ The parties agree that the limitations of Federal Rule of Civil Procedure 33 apply.

16 • **Requests for Admission**

- 17 ○ The parties agree that each side may serve up to 50 Requests for Admission.

18 Requests for Admission related to the authentication of documents and public
 19 availability of prior art are exempt from this limitation.

20 • **Depositions**

- 21 ○ The parties agree that each party is limited to 100 hours in its depositions of fact
 22 witnesses in this litigation, including individual and 30(b)(6) witnesses, and
 23 excluding expert depositions. Furthermore, either party may request additional
 24 hours for good cause. All other requirements of Federal Rule of Civil Procedure 30
 25 apply.

- 26 ▪ Google's position is that the 100-hour limit should exclude third-party
 27 depositions. Google expects that there will be a significant number of third-
 28 party prior art depositions, and excluding third-party depositions from the

hours cap imposes little burden on Sonos. Google will work with Sonos to schedule, to the extent possible, third-party depositions at mutually agreeable times and locations.

- Sonos’s position is that 100 deposition hours—inclusive of third parties—is more than what’s allowed under the Federal Rules, sufficient in this case, *and mirrors what the parties agreed to in the Google v. Sonos case pending in this district.* 3:20-cv-03845-EMC at ECF 44. In that case, Google asserted five patents against Sonos. None of the patents shared a common specification. The parties there agreed to limit depositions to 100 hours, inclusive of third parties. This case involves five patents and three specifications. Google has provided no explanation why it should not abide by the limit the parties previously agreed to when Google’s patents were at issue.

F. Any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c)

The Parties anticipate presenting a stipulated protective order governing the discovery of confidential information, including source code, to the Court.

G. Production of ESI

The Parties met and conferred and anticipate presenting a stipulated protocol for ESI production to the Court.

IX. CLASS ACTIONS

These matters are not class actions.

X. RELATED CASES

The parties are engaged in other litigations at the United States International Trade Commission (Inv. No. 337-TA-1191) and in the Central District of California (2:20-cv-00169-JAK-DFM) (stayed pending resolution of the ITC litigation) (collectively, “*Sonos I*”), and in this District (3:20-cv-03845-EMC) (“*Sonos II*”). Two of the five patents at issue in this case come from the same family as patents at issue in *Sonos I*.

On October 20, 2020, Judge Chen denied Google's request to relate this case with *Sonos*.
 II. The parties are also engaged in foreign litigation involving Google patents.

XI. RELIEF

Google requests that the Court grant:

- Judgment in Google's favor against Sonos on all causes of action alleged in Google's Complaint (Dkt. 1);
- Judgment that this is an exceptional case under 35 U.S.C. § 285;
- Attorneys' fees and costs; and
- Such other and further relief as the Court may deem to be just and proper.

Sonos requests that the Court:

- Dismiss or transfer this lawsuit as an improper preemptory suit;
- Deny Google's declaratory judgment claims of direct and indirect noninfringement;
- Enter judgment in Sonos's favor and adverse to Google on all issues;
- Grant judgment that this is an exceptional case under 35 U.S.C. § 285;
- Award Sonos attorneys' fees and costs; and
- Grant Sonos such further and additional relief as the Court deems just and proper.

In addition, Sonos reserves the right to supplement its requested relief based on subsequent pleadings in this action, if any.

XII. SETTLEMENT AND ADR

Per ADR L.R. 3-5, the Parties have discussed the selection of an ADR process and have certified that they intend to stipulate to an ADR process.

In connection with the Parties' pending litigation before the International Trade Commission, the Parties conducted a mediation on October 19, 2020 before the Honorable Layn Phillips. That mediation addressed the Parties' pending disputes, including the instant case. The Parties were unable to reach an agreement. The Parties propose scheduling additional mediation if necessary and appropriate after the Court issues its claim construction order in this case.

XIII. CONSENT TO MAGISTRATE

The Parties do not consent to disposition of this case by a Magistrate Judge.

1 **XIV. OTHER REFERENCES**

2 The Parties do not believe that this case is suitable for reference to binding arbitration, a
3 special master, or the Judicial Panel on Multidistrict Litigation.

4 **XV. NARROWING OF ISSUES**

5 The parties will continue to meet and confer on ways to potentially narrow the number of
6 issues in dispute.

7 **XVI. EXPEDITED TRIAL PROCEDURES**

8 This matter is not the type of case that that can be handled under the Expedited Trial
9 Procedure of General Order No. 64 Attachment A.

10 **XVII. SCHEDULING**

11 The Parties disagree on the application of the Patent Local Rules (“PLR”) at this time as
12 well as their proposed case schedules.

13 **Google’s position:** This action seeks a declaratory judgment that certain Sonos patents are
14 not infringed by Google. Pursuant to the Patent Local Rules, which apply to civil actions that
15 “seek a declaratory judgment that a utility patent is not infringed” (like this one), a “party claiming
16 patent infringement” must serve its Disclosure of Asserted Claims and Infringement Contentions
17 within 14 days of the Initial Case Management Conference. PLR 1-2, 3-1. To the extent Sonos is
18 claiming patent infringement, this deadline should apply.¹

19 **Sonos’s position:** Patent Local Rule (“PLR”) 3-1 requires the “Disclosure of Asserted
20 Claims and Infringement Contentions.” In particular, it specifies that “a party *claiming patent*
21 *infringement*” is to “serve on all parties a ‘Disclosure of Asserted Claims and Infringement
22 Contentions.’” At this time, there are no claims for patent infringement pleaded in this case. To
23 be clear, *if* Sonos’s motion to dismiss or transfer is not granted, Sonos *will* assert claims for patent
24 infringement as counterclaims in this case. However, the rules do not call for disclosure of patent
25 claims that Sonos *intends* to make in this case, or the disclosure of patent claims that Sonos has
26

27 ¹ In light of the number of patents and anticipated disputes, Google proposes an extra two
28 weeks for its responsive claim construction brief beyond what is provided for in the Patent Local
Rules. Google’s schedule below incorporates a commensurate extension for Sonos for its reply.

1 made in *other* cases. Instead, the rules require the provision of infringement contentions for
2 claims that are at issue in the case. At the moment, the only claims at issue in the case are
3 Google’s declaratory judgment claims for noninfringement. But, just as Google has not made
4 claims of invalidity (and therefore need not provide invalidity contentions at this time), Sonos has
5 not *yet* made claims of infringement, and thus need not provide the disclosure of “asserted”
6 claims.

7 PLR 1-2 contemplates this very scenario. It states that “[i]f the filings or actions in a case
8 do not trigger the application of these Patent Local Rules,” the parties shall meet and confer for the
9 purpose of agreeing to the application of the patent rules. The parties discussed this issue during
10 their meet-and-confer, but have not reached agreement. Sonos proposes that it provide
11 infringement contentions, in conformity of PLR 3-1, within 14 days of filing its responsive
12 pleading in this case (*i.e.*, 14 days from the first day on which Sonos would “assert a claim for
13 patent infringement”). This gives life and meaning to the Patent Local Rules, does not
14 unreasonably delay the case, and avoids the need for Sonos to produce infringement contentions
15 under this Court’s rules in the (hopefully likely) event the Court grants Sonos’s pending motion to
16 dismiss or transfer.

17 As explained in Sonos’s pending motion, Google filed this case on a preemptory basis in
18 order to gain a tactical advantage. It should not be permitted to aggressively interpret the local
19 rules in order to further compound that tactical advantage. This case does not belong here, the
20 rules do not apply on their face, and the rules should not be re-interpreted to apply under these
21 circumstances.

22 If Sonos’s motion is denied, Sonos will, within the time allotted by Fed. R. Civ. P.
23 12(a)(4)(A), serve a responsive pleading and assert relevant counterclaims of infringement. Only
24 at that time—once there exists “a party claiming patent infringement”—are the PLR 3 and 4
25 deadlines triggered. Sonos’s proposed schedule therefore applies PLR 3 and 4, but only once
26 Sonos files a responsive pleading (if necessary) that would trigger those rules.

Event	Google's Proposed Deadlines	Sonos's Proposed Deadlines
Deadline for parties to exchange Rule 26 initial disclosures	November 12, 2020	November 12, 2020
Hearing on Sonos's Motion to Dismiss or Transfer and Initial Case Management Conference	November 19, 2020	November 19, 2020
Deadline for Sonos's Responsive Pleading		14 days from the Court's ruling on Sonos's Motion to Dismiss or Transfer, consistent with Fed. R. Civ. P. 12(a)(4)(A)
Pat. L.R. 3-1 & 3-2. Disclosure of Asserted Claims and Infringement Contentions and Accompanying Document Production by Sonos	December 3, 2020	14 days after service of Sonos's Responsive Pleading
Pat. L.R. 3-3 and 3-4. Invalidity Contentions and Accompanying Document Production by Google	January 19, 2021	45 days after service of Sonos's Patent L.R. 3-1 Disclosure
Pat. L.R. 4-1. Exchange of Proposed Terms for Claim Construction	February 2, 2021	14 days after service of Google's Patent L.R. 3-3 Invalidity Contentions
Pat. L.R. 4-2. Exchange of Preliminary Constructions and Extrinsic Evidence	February 23, 2021	21 days after the Exchange of Proposed Terms under Patent L.R. 4-1
Pat. L.R. 3-8. Damages Contentions by Sonos	March 10, 2021	50 days after service of Google's Patent L.R. 3-3 Invalidity Contentions
Pat. L.R. 4-3. Joint Claim Construction and Pre-Hearing Statement	March 22, 2021	60 days after service of Google's Patent L.R. 3-3 Invalidity Contentions
Pat. L.R. 4-4. Completion of Claim Construction Discovery	March 25, 2021	30 days after service of Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement
Pat. L.R. 3-9. Responsive Damages Contentions by Google	April 9, 2021	30 days after service of Sonos's Patent L.R. 3-8 Damages Contentions
Pat. L.R. 4-5(a). Opening Claim Construction Brief by Sonos	April 8, 2021	45 days after service of Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement

Pat. L.R. 4-5(b). Responsive Claim Construction Brief by Google	May 7, 2021	14 days after service of Patent L.R. 4-5(a) Opening Brief
Pat. L.R. 4-5(c). Reply Claim Construction Brief by Sonos	May 21, 2021	7 days after service of Patent L.R. 4-5(b) Responsive Brief
Technology Tutorial	Subject to the convenience of the Court's calendar	Subject to the convenience of the Court's calendar
Pat. L.R. 4-6. Claim Construction Hearing (Markman)	Subject to the convenience of the Court's calendar	Subject to the convenience of the Court's calendar
Parties to submit proposed schedule for fact discovery deadline, expert discovery, dispositive and Daubert motions, pretrial, and trial.	14 days after the Court's claim construction ruling	14 days after the Court's claim construction ruling
Final election of asserted claims to no more than 10 claims	28 days after the Court's claim construction ruling	28 days after the Court's claim construction ruling

The Parties agree that it is not necessary to enter a schedule beyond the dates above at this early stage of the case. The Parties instead request an opportunity to submit an agreed-on schedule, or competing scheduling proposals if an agreement cannot be reached, for the Court to consider within 14 days of the Court's claim construction ruling.

Notwithstanding that request, to the extent the Court intends to enter additional deadlines now, the Parties submit the proposal below:

Event	Agreed Proposed Deadlines
Proposed Date for Designation of Experts	Estimated 90 days after the Court's claim construction ruling
Close of fact discovery	Estimated 150 days after the Court's claim construction ruling
Deadline to file discovery motions relating to fact discovery	7 days after the close of fact discovery
Opening expert reports	21 days after the close of fact discovery
Rebuttal expert reports	42 days after opening expert reports
Close of expert discovery	28 days after rebuttal expert reports
Opening summary judgment/Daubert briefs	28 days after close of expert discovery
Responsive summary judgment/Daubert briefs	14 days after Opening summary judgment/Daubert briefs

1	Reply summary judgment/Daubert briefs	7 days after Answering summary judgment/Daubert briefs
2	Hearing on summary judgment/Daubert briefs	Subject to the convenience of the Court's calendar
3	Pretrial Conference	Subject to the convenience of the Court's calendar
4	Trial	Subject to the convenience of the Court's calendar
5		
6		

7 **XVIII. TRIAL**

8 Both Parties have requested trial by jury.

9 The parties' best estimate of the length of trial is approximately ten Court days for this
10 trial, assuming each trial day starts at 7:30 a.m. and ends at 1:00 p.m. as noted in the Court's
11 Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases Before the Honorable
12 William Alsup. The parties acknowledge that this may change depending on the nature of the
13 defenses and counterclaims Sonos may bring in a responsive pleading pending the Court's ruling
14 on Sonos's motion to dismiss or transfer.

15 **XIX. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

16 Each party has filed the Certification of Interested Entities or Persons required by Civil
17 Local Rule 3-15.

18 On September 28, 2020, Google filed its Certificate of Interested Parties and Entities
19 pursuant to Civil Local Rule 3-15. Dkt. 3. Google stated, pursuant to Civil L.R. 3-15, that Google
20 LLC, XXVI Holdings Inc. (holding company of Google LLC), and Alphabet Inc. (holding
21 company of XXVI Holdings Inc.) either (i) have a financial interest in the subject matter in
22 controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject
23 matter or in a party that could be substantially affected by the outcome of this proceeding.

24 On October 12, 2020, Sonos filed its Certificate of Interested Entities. Sonos stated,
25 "Pursuant to Civil L.R. 3-15, the undersigned certifies that as of this date, other than the named
26 parties, there is no such interest to report." Dkt. 10.

27 **XX. PROFESSIONAL CONDUCT**

1 All attorneys of record for the Parties have reviewed the Guidelines for Professional
2 Conduct for the Northern District of California.

3 **XXI. OTHER ISSUES**

4 The Parties do not believe that any other issues are appropriate for inclusion in this Joint
5 Case Management Statement.

6 **XXII. ADDITIONAL INFORMATION PURSUANT TO PATENT LOCAL RULE 2-1(B)**

7 **A. Local Rules.**

8 The Parties' proposed schedule is set forth in Section XVII, above.

9 **B. Scope and Timing of Any Claim Construction Discovery.**

10 The Parties' proposed schedule set forth in Section XVII, above, includes a proposed
11 deadline for claim construction discovery.

12 **C. Format of the Claim Construction Hearing.**

13 The Parties propose that the Claim Construction Hearing consist of a three-hour
14 presentation, with 90 minutes allotted to Google and 90 minutes allotted to Sonos.

15 **D. How the Parties Intend to Educate the Court on the Technology at Issue.**

16 **Google's Position:** The Parties propose educating the Court on the technology at issue
17 through a tutorial immediately preceding the Claim Construction Hearing. The Parties propose
18 that the Court allow Google to make a presentation no longer than 45 minutes, followed by a
19 presentation by Sonos of no longer than 45 minutes.

20 **Sonos's Position:** Sonos is happy to provide a technical tutorial if the Court thinks it will
21 be useful, but leaves that determination to the Court. In the event the Court thinks tutorials would
22 be useful, Sonos believes such tutorials should be submitted to the Court sufficiently in advance of
23 any claim construction hearing to allow the Court an opportunity to review the tutorials prior to
24 the hearing. Otherwise, Sonos is confident that the parties can explain any necessary technology
25 in their respective claim construction briefing.

26 **E. Non-Binding, Good-Faith Estimate of Damages Range.**

27

28

1 **Sonos's Position:** Sonos has not pled any affirmative claims in this case and thus has no
2 estimate of a damages range at this time. If Sonos does file a responsive pleading, it will
3 supplement its position as necessary.

4 **II. ADDITIONAL INFORMATION PURSUANT TO THE SUPPLEMENTAL ORDER**
5 **TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE IN**
6 **CIVIL CASES BEFORE JUDGE WILLIAM ALSUP**

7 **A. Opportunities For Junior Lawyers**

8 **Google's Position:** Google plans to provide opportunities for junior lawyers working on
9 this matter to argue discovery-related motions and portions of claim construction motions; to take
10 or defend depositions of witnesses; and to examine witnesses at trial. Specifically, Google intends
11 to provide such opportunities for associate Jocelyn Ma (class of 2017) and Anne-Raphaëll Aubry
(class of 2017).

12 **Sonos's Position:** Sonos intends to provide opportunities for junior lawyers, including at
13 least Kristina McKenna (class of 2016, with less than two years in private practice), to argue
14 motions in court, to take or defend depositions, and to participate actively at trial.

1 Dated: November 12, 2020

Respectfully submitted,

2 /s/ Charles K. Verhoeven
Attorneys for GOOGLE LLC

/s/ Alyssa Caridis
Attorneys for SONOS INC.

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5 *Counsel for Plaintiff Google LLC.*

Counsel for Defendant Sonos Inc.

ECF ATTESTATION

I, Charles K. Verhoeven, am the ECF User whose ID and password are being used to file this JOINT CASE MANAGEMENT STATEMENT. In compliance with General Order 45, X.B., I hereby attest that Alyssa Caridis, counsel for Sonos, has concurred in this filing.

Dated: November 12, 2020

Charles K. Verhoeven
QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Charles K. Verhoeven
Charles K. Verhoeven